

### REMARKS

In an Office Action dated February 14, 2005, Examiner required election between Group I claims 1 – 48 and Group II claims 49 – 59. Examiner further asserted that Group I was comprised of six species: Species 1, claims 1- 16; Species 2, claims 17 – 21; Species 3, claims 22 – 38; Species 4, claims 39 – 40; Species 5, claims 41 – 47; and Species 6, claim 48. In response, Applicants have provisionally elected claims 22 – 38 with traverse for the following grounds.

Claim 22 is generic to claims 1 – 21, and 39 – 48. Claim 22 recites five claim elements. Each of these elements and analogous elements in the other five structure claims are discussed in the following paragraphs.

Claim 22 recites a “semiconductor substrate.” Claims 1, 17, 39, 41, and 48 also each recite “a semiconductor substrate.”

Claim 22 also recites “a first crystalline layer.” This claim element is generic to analogous claim elements in each of the other independent claims, to wit: “a series of N epitaxial layers . . .” in claim 1; “a first epitaxial layer” in claim 17; “a first eptiaxial layer of Si, Ge, C . . .” in claim 39; “a first crystalline epitaxial layer . . .” in claim 41; and “a series of N epitaxial layer comprising Si, Ge, C . . .” in claim 48. Because an “epitaxial layer” is one species of the generic term “crystalline layer,” each of the recited claim elements is a species of the generic element of claim 22.

Claim 22 also recites “a second crystalline layer on the first layer,” which is generic to the analogous elements in the other independent claims. Specifically, claim 1 recites, “a series of N epitaxial layers . . .” (ones of the series of layers would be a “first” layer and one of the series of layers would be a “second” layer); claim 17 recites, “a

TS03-0587

14

second epitaxial layer on the first layer,” claim 39 recites “a second epitaxial layer of Si, Ge, C . . .”; claim 41 recites “a second crystalline epitaxial layer . . .”; and claim 48 also recites “a series of N epitaxial layers . . .” (again one of the series is a second layer).

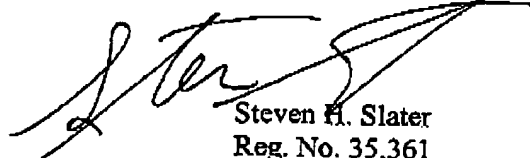
Another generic claim limitation of claim 22 is “a trench formed in the second layer.” Each of claims 1, 17, 39, and 48 recite a more specific element of “an isolation trench having rounded corners.” Claim 41 recites a more specific element of “an isolation trench” with “an insulative Si-containing material filling the isolation trench.”

Finally, claim 22 generically recites “a top epitaxial layer on the second layer.” Again, each of the other independent claims recites an analogous element more specifically, to wit: “a selective top epitaxial layer.” A selective top epitaxial layer is a species of the generic top epitaxial layer.

As has been demonstrated on an element-by-element basis, claim 22 generically claims applicants’ invention, while each of the remaining claims recite species of the genus claimed in 22. Claim 22 is hence a linking genus claim. While applicants do not traverse the restriction between Group I and Group II, applicants respectfully and earnestly request that the restriction between alleged species 1-6 be withdrawn in light of the clear linking genus claim 22.

Examiner is invited to contact the undersigned with any questions regarding the present application.

Respectfully submitted,



Steven H. Slater  
Reg. No. 35,361  
Attorney for Applicants

Slater & Matsil, L.L.P.  
17950 Preston Rd., Suite 1000  
Dallas, TX 75252  
Tel: 972-732-1001  
Fax: 972-732-9218

TS03-0587

16